

CHAPTER NO. 1079

HOUSE BILL NO. 3155

By Representatives Buck, Jackson, Scroggs, Newton, Sands, Goins, Haley, Mike Walker, Hargett, Bittle, Maddox, Brenda Turner, Fitzhugh, Pleasant, McDonald

Substituted for: Senate Bill No. 2933

By Senators McNally, Haun, Crutchfield, Graves

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 4, relative to criminal offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-417(g)(2), is amended by deleting the entire subsection and substituting instead the following:

(2) A violation of subsection (a) with respect to a Schedule VI controlled substance classified as marijuana and containing not less than ten pounds (10 lbs.), one gram (4536 grams) of marijuana nor more than seventy (70 lbs.) (31,696 grams) of marijuana, or a Schedule VI controlled substance defined as a non-leafy, resinous material containing tetrahydrocannabinol (hashish) and containing not less than two pounds (2 lbs.), one gram (906 grams) nor more than four pounds (4 lbs.) (1810 grams) of hashish, or a Schedule VI controlled substance classified as marijuana consisting of ten (10) marijuana plants nor more than nineteen (19) marijuana plants, regardless of weight, is a Class D felony, and in addition thereto, may be fined not more than fifty thousand dollars (\$50,000.00).

(g)(3) A violation of subsection (a) with respect to a Schedule VI controlled substance defined as a non-leafy, resinous material containing tetrahydrocannabinol (hashish) and containing not less than four (4 lbs.), one gram (1811 grams) nor more than eight pounds (8 lbs.) (3620 grams) of hashish, or a Schedule VI controlled substance classified as marijuana consisting of twenty (20) marijuana plants nor more than ninety-nine (99) marijuana plants, regardless of weight, is a Class C felony, and in addition thereto, may be fined not more than one hundred thousand dollars (\$100,000.00).

SECTION 2. The governing body of the law enforcement agency responsible for the investigation and arrest which resulted in the drug conviction shall submit by August 1st of each year, to the comptroller, a report of the funds collected and paid to the general fund of the governing body pursuant to this section.

Said report shall reflect the amount of money spent on drug education and drug treatment.

SECTION 3. Tennessee Code Annotated, Section 39-17-417(i)(13), is amended by deleting the entire subsection and substituting instead the following:

(13) Seventy pounds (70 lbs.), one gram (31,697) nor more than three hundred pounds (300 lbs.) (136,050 grams) of any substance containing marijuana, or a Schedule VI controlled substance defined as a non-leafy, resinous material containing tetrahydrocannabinol (hashish) and containing not less than eight pounds (8 lbs.), one gram (3621 grams) nor more than fifteen pounds (15 lbs.) (6,792 grams) of any substance containing hashish, or one hundred (100) marijuana plants nor more than four hundred, ninety-nine (499) marijuana plants, regardless of weight.

SECTION 4. Tennessee Code Annotated, Section 39-17-417(j)(13), is amended by deleting the entire subsection and substituting instead the following:

(13) Three hundred pounds (300 lbs.) (136,050 grams) or more of any substance containing marijuana, or a Schedule VI controlled substance defined as a non-leafy, resinous material containing tetrahydrocannabinol (hashish) and containing not less than fifteen pounds (15 lbs.), one gram (6,793 grams) of any substance containing hashish, or five hundred (500) marijuana plants or more marijuana plants, regardless of weight.

SECTION 5. Tennessee Code Annotated, Section 39-17-428, is amended by adding the following to the end of subsections (b)(4), (b)(5) and (b)(6):

of Schedule VI controlled substances classified as marijuana or hashish

SECTION 6. Tennessee Code Annotated, Section 39-17-417(j), is amended by inserting the following paragraph immediately after subdivision (13):

Notwithstanding the provisions of this act or any other law to the contrary, the amendments to subdivision (13), set forth within Section 3 of this act, shall not have the effect of altering procedures or requirements established for interception of wire, oral, or electronic communications pursuant to § 40-6-305 in effect on June 30, 1998.

SECTION 7. Tennessee Code Annotated, Section 39-17-417(j), is amended by inserting the following paragraph immediately after subdivision (13):

Notwithstanding the provisions of this subdivision to the contrary, a district attorney general may not apply for nor may a judge authorize the interception of wire, oral or electronic communications pursuant to Section 40-6-305(3) unless the amount of the controlled substance involved is seven hundred pounds (700 lbs) (316,960 grams) or more of any substance containing marijuana, or one hundred fifty pounds (150 lbs) (67,920 grams) or more of any substance classified in Schedule VI as a non-leafy resinous material containing tetrahydrocannabinol (hashish).

SECTION 8. This act shall take effect on July 1, 1998, the public welfare requiring it.

PASSED: May 1, 1998


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 19th day of May 1998


DON SUNDQUIST, GOVERNOR